

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

SHEB JIM RAY BENNETT,)	
)	
Plaintiff,)	
)	
v.)	Case No. CIV-21-597-PRW
)	
MS. CLARK, et al.,)	
)	
Defendants.)	

ORDER

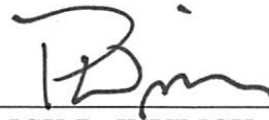
This case comes before the Court on Defendants’ Motion to Dismiss (Dkt. 15), Magistrate Judge Amanda Maxfield Green’s Report & Recommendation (Dkt. 17), and Plaintiff’s Motion to Amend (Dkt. 18). Magistrate Judge Green’s Report & Recommendation recommends that this Court grant Defendants’ Motion to Dismiss Plaintiff’s Complaint for failure to state a claim for relief under 42 U.S.C. § 1983. Plaintiff was advised of his right to object to the Report and Recommendation by July 27, 2022. As of the date of this Order, no objections have been filed.

The Court has reviewed Magistrate Judge Green’s Report & Recommendation and agrees with the conclusions therein. Accordingly, the Court **ADOPTS** the Report & Recommendation (Dkt. 17), **GRANTS** Defendants’ Motion to Dismiss (Dkt. 15), and **DISMISSES** Plaintiff’s Complaint (Dkt. 1).

Though Plaintiff did not file any objections to the Report & Recommendation, he subsequently filed a Motion (Dkt. 18) which the court construes broadly as a motion to

amend his Complaint. However, because Plaintiff's proposed amendments fail to cure all the deficiencies identified by the Report & Recommendation, the Court finds that the proposed amendments would be futile.¹ Accordingly, Plaintiff's Motion to Amend (Dkt. 18) is **DENIED**.

IT IS SO ORDERED this 13th day of March 2023.



PATRICK R. WYRICK
UNITED STATES DISTRICT JUDGE

¹ *Cf. Acito v. IMCERA Grp., Inc.*, 47 F.3d 47, 54-55 (2d Cir. 1995); *Bricker v. Crane*, 468 F.2d 1228, 1233 (1st Cir. 1972). For example, the proposed amendments fail to cure Plaintiff's failure to seek recourse in state court or show that state-law remedies were otherwise unavailable or inadequate. *See R & R* (Dkt. 17), at 5.